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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,875	10/21/2003	Anthony Pidcock	84576 2867 KAW	9355

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MANELLI DENISON & SELTER  
2000 M STREET NW SUITE 700  
WASHINGTON, DC 20036-3307

EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,875

Applicant(s)

PIDCOCK ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12,13,19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12,13,19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 12,13,19-22 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/079,403.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### ***Restriction Requirement***

Restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 12-13 drawn to a combustor wall element classified in Class 60, subclass 752, and
- II. Claims 19-22, drawn to a method of manufacturing a combustor wall element, classified in Class 29, subclass 890.02.

The inventions of Groups I and II above are distinct because the product of Group I could be made by a method materially different than that of Group II, and/or the method of Group II could be used to make a product materially different than that of Group I. The Group I wall element, for example, does not necessarily have to be made by a casting process as specified in the Group II method; the wall element could be manufactured using alternative techniques such as stamping, machining, etc.

Because the inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicants are advised that even in the event that the restriction requirement is traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In addition to the restriction between apparatus and method as set forth above, further election of individual species is required.

### ***Species Election***

This application encompasses multiple species of the inventive subject matter based on six alternative configurations of a combustor wall element. These include the wall element configurations of Figure 4, Figure 5, Figure 6, Figure 7, Figure 8 with the Figure 9 cross section, and Figure 8 with the Figure 10 cross section. Pursuant to 35 USC 121, applicants are required for a complete response to (1) elect a single disclosed species and (2) list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)).

It is unclear if any of the present claims are generic to all species.

Applicants are further advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above.

### ***Claim Rejections - 35 USC 112***

Claims 12, 13, and 19-22 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 12 and 13 each recite both a "stud" or "studs" and a "mixing port boss"; see claim 12, lines 3-5, and claim 13, lines 3-4. The stud (46) is shown as exclusive to the embodiments of Figures 4 and 5, and the boss (54) is similarly shown as exclusive to the embodiments of Figures 6 and 7. Claims 12 and 13 are thus indefinite as to scope since they improperly combine features exclusive to different species, and it is unclear which species and which combination of features applicants actually intend to claim.

Claims 19-22 are drawn to "[a] method of manufacturing a wall element", and the wall element is further described as being "for use as part of an inner wall of a gas turbine engine combustor wall structure having inner and outer walls" (claim 19, lines 1-3). The latter passage renders the claims indefinite. A "for use..." clause may constitute a limiting step in a method claim, but it is unclear in this instance whether the language in question is actually intended to be part of the claimed method. A valid comparison between the claims and prior art cannot be made without clarification on this point.


Claim 22 also recites both a "stud" and a "mixing port". This combination of features causes the same problem describe above in conjunction with claims 12 and 13. The stud (46) is exclusive to the embodiments of Figures 4 and 5, and the mixing port (56) is exclusive to the embodiments of Figures 6 and 7, hence, it is unclear which species and which combination of features applicants actually intend to claim.

Claim 22 additionally refers to "the tile"; see line 2. The cited expression has no clear antecedent, and the term "tile" is inconsistent with the other claim terminology.

### **References**

Pidcock et al, DuBell et al, Bell et al, and Lee are cited as disclosing pertinent examples of prior art gas turbine combustor wall elements of cast construction. Because of the indefinite nature of the claimed subject matter, however, the references cannot be applied at this time.

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703-308-1027 (M-F; 7:30-4:00)  
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August 23, 2004

  
LOUIS J. CASAREGOLA  
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached at 703-308-2675.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).